

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Warangal District – Representation of Sri M.Shyam Prasad and (2) others for withdrawal of prosecution in Cr.No.51/97 of Eturunagaram Police Station under sections 409, 420, 468, 471 of the Indian Penal Code, 1860 pending before the Hon'ble Judicial First Class Magistrate, Mulugu vide CC No.01/2008 – Orders – Issued.

LAW (L.A. & J – HOME – COURTS-B) DEPARTMENT

G.O.Rt.No.840

Dated:12.05.2010

Read:

1. Representation of Sri M.Shyam Prasad and 2 others, Dated:13.12.2008.
2. Govt.Memo.No.7028 / Courts-B2 / 2009, Dt:18.03.2009 and 29.10.2009.
3. From the Director General of Police, A.P., Hyderabad, Lr.Rc.No.1487/C3/2009, dated:21.12.2009.

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ORDER:

Sri M.Shyam Prasad and (2) others in their representation first read above have represented that the then Assistant Accounts Officer, ITDA, Eturunagaram, Warangal District lodged a complaint against them at SHO, Eturunagaram stating that an amount to a tune of Rs.12,44,545/- has been misappropriated by colluding with the Bank Officials and diverted the said amount into their personal account and subsequently drawn by them. Later they have remitted the full amount on the request of Project Officer, ITDA Account.

2. They represented that the Project Officer, ITDA, Eturunagaram addressed the Station House Officer, Eturunagaram stating that the entire amount misappropriated by the individuals have been fully recovered and remitted to the Project Officer, ITDA Account, Eturunagaram and there is no need of action to be taken by the Police, since the Departmental Enquiry is also being conducted against them and requested the Station House Officer, Eturunagaram Police Station to withdraw the complaint lodged by the Asst.Accounts Officer on behalf of the Project Officer, ITDA.

3. The accused Sri M.Shyam Prasad (A1), E.Butchi Ramulu (A3); and M.Kameshwara Rao (A4) have represented that (A2) Sri Sudhakar Rao, expired and they are suffering with mental agony and requested the Government to withdraw the prosecution against them as was done in similar cases.

4. The remarks of the Director General of Police, A.P., Hyderabad have been obtained in the reference second read above. The Director General of Police, A.P., Hyderabad in his letter third read above, has furnished his specific remarks along with the report of the Superintendent of Police, Warangal and the opinion of Assistant Public Prosecutor concerned.

5. The Director General of Police, A.P., Hyderabad, while forwarding the report of the Superintendent of Police, Warangal, for the reasons mentioned therein has informed that a case in Cr.No.51/97 was registered under section 409, 420, 468, 471 of the Indian Penal Code, 1860 at Eturunagaram Police Station for the misappropriation and stated that it is not a fit case for withdrawal of prosecution. The Superintendent of Police, Warangal has also stated that by mere recovery of this mis-appropriated amount, the accused cannot go scot free and it is not desirable to withdraw the prosecution against the accused.

6. The Assistant Public Prosecutor, Mulugu, has stated that the accused have paid the entire amount to the Project Officer, ITDA, Eturunagaram that the Project Officer, ITDA has also confirmed that there are no dues to the Department that the de-facto complainant filed a petition before Station House Officer, Eturunagaram for that to withdraw the case against the accused. A2 died and two others A3 and A4 also going to be attained the age of superannuation and opined that it is fit case to withdraw the prosecution against the accused.

p.t.o....

7. Government after careful examination of the matter, have decided to withdraw the prosecution against S/Sri M.Shyam Prasad (A1), E.Butchi Ramulu (A3); and M.Kameshwara Rao (A4) in Cr.No.51/97 of Eturunagaram Police Station, Warangal District under sections 409, 420, 468, 471 of the Indian Penal Code, 1860 pending before the Hon'ble Judicial First Class Magistrate, Mulugu vide CC No.01/2008, since the entire misappropriated amount was recovered and remitted to ITDA, as confirmed by the Project Officer, ITDA and as opined by the A.P.P. concerned .

8. The Collector & District Magistrate, Warangal District, is therefore, directed to instruct the Assistant Public Prosecutor to apply his mind and take appropriate steps to file a petition under section 321 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) for withdrawal of prosecution against the accused S/Sri M.Shyam Prasad (A1), E.Butchi Ramulu (A3); and M.Kameshwara Rao (A4) in Cr.No.51/97 of Eturunagaram Police Station under sections 409, 420, 468, 471 of the Indian Penal Code, 1860 pending before the Hon'ble Judicial First Class Magistrate, Mulugu vide CC No.01/2008, under intimation to Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.RAMACHANDRA REDDY,
SECRETARY TO GOVERNMENT
LEGISLATIVE AFFAIRS & JUSTICE

To

The Collector & District Magistrate, Warangal District.

The Director General of Police, A.P., Hyderabad.

The Superintendent of Police, Warangal District.

The Assistant Public Prosecutor concerned (thro' Collector concerned)

Copy to:

The Law (E) Department

The P.S. to Secretary (LA & J) Dept.,

Sf/Sc.

// forwarded :: by order //

Section Officer